

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Thomas G Keefe and Dawn K Keefe,
individually and on behalf of those
similarly situated,

Plaintiffs,

vs.

Evergreen Investment Management Co LLC,
Evergreen Fixed Income Trust, Evergreen
Investment Services, Inc., and Evergreen
Distributor, Inc., Dennis H Ferro, Kasey
Phillips, Charles A Austin III, Shirley L
Fulton, K Dan Gifford, Leroy Keith Jr.,
Gerald M McDonnell, Patricia B Norris,
William Wilt Pettit, David M Richardson,
Russell A Salton III, Michael S Scofield,
Richard J. Shina, and Richard K Wigoner,

Defendants.

CA NO 1:08-CV-11064-NMG
CLASS ACTION

Albert Krantzberg and Irene Krantzberg,
On Behalf of Themselves and All Others
Similarly Situated,

Plaintiffs,

vs.

Evergreen Fixed Income Trust,
Evergreen Distributor, Inc., Wachovia
Corporation, Dennis H Ferro and Kasey
Phillips,

Defendants.

CA NO 1:08-CV-11326-NMG
CLASS ACTION

[Caption continued on following page.]

AMENDED JOINT STIPULATION AND [PROPOSED] ORDER REGARDING
CONSOLIDATION OF RELATED ACTIONS, APPOINTMENT OF LEAD
PLAINTIFF AND APPROVAL OF SELECTION OF LEAD COUNSEL

Genevieve M Mierzwinski, on behalf)	C A N D 1: 08-CV-11435-NMG
of herself and all other similarly situated,)	<u>CLASS ACTION</u>
)	
Plaintiff,)	
)	
vs.)	
)	
Evergreen Fixed Income Trust, Evergreen)	
Investment Services, Inc., Evergreen)	
Investment Management Company, LLC,)	
Wichovia Corporation, Dennis H Ferro)	
and Kasey Phillips,)	
)	
Defendants.)	
)	

WHEREAS, on June 23, 2008, plaintiffs Thomas G Keefe and Dawn K Keefe (the "Keefes") filed this action against Evergreen Fixed Income Trust and certain related entities and individuals alleging violations of §§11, 12(a)(2) and 15 of the Securities Act of 1933;

WHEREAS, on June 23, 2008, pursuant to the Private Securities Litigation Reform Act ("PSLRA"), 15 U.S.C. 77z-14(a)(3)(A)(i), counsel for the Keefes caused notice to be published on Business Wire, a widely circulated national business-oriented wire service, advising members of the purported class of, inter alia: (1) the pendency of the action; (2) the claims asserted therein; and (3) that, not later than 60 days after the date on which the notice was published, any member of the purported class had the right to move the Court to serve as lead plaintiff of the class;

WHEREAS, on August 4, 2008, plaintiffs Albert Krantzberg and Irene Krantzberg filed a substantially similar action against Evergreen Fixed Income Trust and certain related entities and individuals;

WEREAS, on August 19, 2008, plaintiff Genevieve M Mierzwinski filed a substantially similar action against Evergreen Fixed Income Trust and certain related entities and individuals;

WEREAS, on August 22, 2008, the following applicants filed timely motions seeking consolidation of the related actions pending before this Court, appointment as Lead Plaintiff and approval of selection of Lead Counsel: (1) International Brotherhood of Electrical Workers Local 98, NECA Electrical Workers Joint Apprenticeship Training Trust Fund and First Agency Account LP (the "Evergreen Investors Group"); (2) the Bricklayers and Allied Craftworkers Local 1 of PA/DE Health and Welfare Fund and the Bricklayers Local 54 of Pennsylvania Supplemental Welfare Fund (the "Bricklayers Group") and (3) Albert Krantzberg and Irene Krantzberg (the "Krantzberg Plaintiffs");

WEREAS, based on the information accompanying their respective motions, the Evergreen Investors Group reported approximate losses of \$1,326,350, the Bricklayers Group reported approximate losses of \$1,310,791, and the Krantzberg Plaintiffs reported approximate losses of \$19,136;

WEREAS, given the slight difference between their approximate loss figures, the Evergreen Investor Group and the Bricklayers Group have determined that, rather than continue to litigate their competing motions, it is in the best interest of the class to amicably resolve the motions and pool their resources to effectively and efficiently prosecute the action;

WHEREAS, the Krantzberg Plaintiffs have indicated that they will withdraw their motion for appointment as lead plaintiffs;

WHEREAS, the Evergreen Investor Group and the Bricklayers Group agree that the three related actions pending before this Court involve common questions of law or fact, and should be consolidated for all purposes pursuant to Federal Rule of Civil Procedure 42(a);

WHEREAS, the Evergreen Investor Group and the Bricklayers Group submit that, pursuant to the PSLRA, 15 U.S.C. §77z-1(a)(3)(B)(iii)(I), they are the most adequate plaintiffs because (1) they timely filed a motion for appointment as Lead Plaintiff; (2) they possess the largest financial interest in the relief sought by the class; and (3) they otherwise satisfy the typicality and adequacy requirements of Federal Rule of Civil Procedure 23;

WHEREAS, the PSLRA, 15 U.S.C. §78u-4(a)(3)(B)(iv), provides that, subject to the approval of the Court, the most adequate plaintiff shall select and retain counsel to represent the Class;

WHEREAS, the Evergreen Investor Group and the Bricklayers Group have selected the lawfirms of Coughlin Stoia Geller Rudman & Robbins LLP, Page Perry, LLC and Cohen Flacitella & Roth, P.C. to serve as Lead Counsel and Pyle, Rone, Lichten, Ehrenberg & Liss-Rordan, P.C. to serve as Liaison Counsel; and

WHEREAS, each of these lawfirms has experience in complex class action litigation and/or shareholder litigation and will ensure that there will be no duplication of efforts on the part of Lead Counsel.

IT IS HEREBY STIPULATED and AGREED by and between the Evergreen Investor Group and the Bricklayers Group, through their undersigned attorneys, and subject to the Court's approval, as follows:

1. The three related actions pending before this Court, which include :
(1) Keefe, et al. v. Evergreen Investment Management Co. LLC, et al., No. 1:08-cv-11064-NMG; (2) Kratzberg, et al. v. Evergreen Fixed Income Trust, et al., No. 1:08-cv-11326-NMG; and (3) Merzwinski v. Evergreen Fixed Income Trust, et al., No. 1:08-cv-11435-NMG, are hereby consolidated for all purposes, pursuant to Rule 42(a). The consolidated action shall be captioned In re Evergreen Ultra Short Opportunities Fund Securities Litigation, No. 1:08-cv-11064-NMG, and a Master File shall be established;
2. The Evergreen Investor Group and the Bricklayers Group are hereby appointed Lead Plaintiffs for the Class pursuant to 15 U.S.C. §77z-1(a)(3)(B); and
3. The Evergreen Investor Group's and the Bricklayers Group's selection of the lawfirms of Coughlin Stoya Geller Rudman & Robbins LLP, Page Perry, LLC and Cohen Flacitella & Roth, P.C. to serve as Lead Counsel and Pyle, Rome, Lichten, Ehrenberg & Liss-Rordan, P.C. to serve as Liaison Counsel is approved.

Dated: February 27, 2009

PYLE, ROME, LICHTEN, EHRENBURG &
LISS-RORDAN, P.C.
BETSY EHRENBURG, BBO #554628

s/Betsy Ehrenberg

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[Proposed] Liaison Counsel

* * *

ORDER

IT IS SO ORDERED

DATED _____

JUDGE NATHANIEL M. GORTON
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I ~~HEREBY~~ CERTIFY that on February 27, 2009, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send a Notice of Electronic Filing to all counsel of record.

s/ Betsy Ehrenberg

BETSY EHRENBURG